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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,961	05/10/2001	Dirk M. Beyer	10013654-1	6594

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

CHAMPAGNE, DONALD

ART UNIT PAPER NUMBER

3622

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/853,961

Applicant(s)

BEYER ET. AL.

Examiner

Donald L. Champagne

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-30 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 01 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.
 5) ☐ Notice of Informal Patent Application (PTO-152)
 6) ☐ Other: _____

DETAILED ACTION

Non-Final Rejection

1. The rejection over prior art made in the last Office action (mailed 22 March 2005) has been maintained with modification to accommodate the amendment filed on 27 June 2005. Because the examiner suggested that amendment, the present rejection has been made non-final.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Cannon (US006286005B1).
4. Cannon teaches (independent claims 1, 11 and 20) a method of task selection and selecting an advertising promotion, and a computer system, the method comprising the steps of: specifying a hypothetical distribution of a plurality of tasks (*spots A, B, C and D*, col. 39 lines 3-7, of a plurality of possible advertising spots), which reads on determining a specified distribution; assuming a first event in a sequence of events occurs (*a viewing event*, col. 9 line 55, occurring at some arbitrary point in the future), each event in said sequence of events associated with a plurality of tasks (*targeting desired consumer groups for advertising campaigns*, col. 22 lines 19-20); determining a first distribution (*spots A, B and C*) of said plurality of tasks calculated before a first task is selected in association with said first event, said plurality of tasks including said first task; determining said first task (*spot D*) from said plurality of tasks, which when selected provides a second distribution (*spots A, B, C and D*, col. 41 lines 54-62) of said plurality of tasks that is closest to said specified distribution (that which maximizes the score $S_c(a)$, para. 5 below) of said plurality of tasks;

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and expanding the media campaign from three to four spots, which reads on selecting said first task in association with said first event.

5. For claim 11, Cannon also teaches: visitors to web pages (col. 14 lines 31-34) and viewers as customers (col. 52 lines 55-56), which reads on receiving a customer at a web site; determining which of a plurality of segments (*demographic groups*) said viewer/customer most closely falls within said first segment further comprising (being targeted with) a plurality of advertising promotions (col. 22 lines 15-20 and col. 28 lines 43-44); maximizing the score $S_c(a)$ (col. 38 lines 21-64 and col. 41 lines 41-59), which inherently reads on providing the least mathematical distance with respect to said specified distribution (i.e., that with maximum $S_c(a)$) of said plurality of advertising promotions A through G (col. 39 lines 4-15 and col. 41 lines 54-57), to achieve an objective (col. 32 lines 45-49).
6. Cannon also teaches at the citations given above claims 3, 6-9, 10, 12, 16-19, 22, 25-27, 29 and 30.
7. Cannon also teaches: claims 2, 18 and 21 (col. 3 lines 53-59 and col. 32 lines 49-51); claims 5, 13 and 24, where the formula for $S_c(a)$ (para. 15 above) reads on a vector and with said plurality of components defining the amount (number) of times each of said plurality of tasks has been selected (col. 35 lines 8-9); claim 14 (col. 1 lines 48-51); and claim 28 (col. 31 line 44).
8. Cannon does not explicitly teach (claims 4 and 23) that said plurality of tasks/advertising promotions is offered individually to said sequence of viewers/customers. However, under the principles of inherency (MPEP § 2112.02), since the reference invention necessarily performs the method claimed, the method claimed is considered to be anticipated by the reference invention. As evidence tending to show inherency, it is noted that Cannon does teach applying the invention to a web site, where it is inherent that said viewers/customers arrive in sequence, so said plurality of tasks/advertising promotions would have to be offered to said viewers/customers individually, in sequence.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L Champagne whose telephone number is 571-272-6717. The examiner can normally be reached from 6:30 AM to 5 PM ET, Monday to Thursday. The

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examiner can also be contacted by e-mail at donald.champagne@uspto.gov, and *informal* fax communications (i.e., communications not to be made of record) may be sent directly to the examiner at 571-273-6717.

10. The examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).
12. **ABANDONMENT** – If examiner cannot by telephone verify applicant's intent to continue prosecution, the application is subject to abandonment six months after mailing of the last Office action. The agent, attorney or applicant point of contact is responsible for assuring that the Office has their telephone number. Agents and attorneys may verify their registration information including telephone number at the Office's web site, www.uspto.gov. At the top of the home page, click on Site Index. Then click on Agent & Attorney Roster in the alphabetic list, and search for your registration by your name or number.

DONALD L. CHAMPAGNE
PRIMARY EXAMINER

Donald L. Champagne
Primary Examiner
Art Unit 3622

16 September 2005